

TEXAS LEGISLATIVE PROCESS

A faint, light gray background image of a balance scale is visible on the right side of the slide. The scale has a vertical pillar, a horizontal beam, and two pans hanging from the ends. The right pan is slightly higher than the left pan.

Maya Ingram
Legislative Liaison
Texas Building & Procurement Commission

TEXAS LEGISLATIVE PROCESS

INTRODUCTION

The *Texas Legislative Process* is presented here to provide a short summary of the process and procedures within the legislative branch of government.

Within this presentation you will see how the different bodies of government coexist to provide a balance of power within our democratic form of government.

Texas Legislative Process

The Texas Legislative Process is governed by the *Texas Constitution* and the *Rules of Procedure* of both the *Senate* and *House of Representatives*.

The Texas Constitution was adopted on February 15, 1876.

The Rules of Procedure are adopted by the respective chambers at the beginning of each session.

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

ARTICLE

1. **Bill of Rights:** A Declaration of rights for the people of the State of Texas –
“That the general, great, and essential principles of liberty and free government may be recognized and established,...”

<http://tlo2.tlc.state.tx.us/txconst/toc.html>

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

2. Powers of Government:

- *Legislative Branch* – made up of Senate and House of Representatives and govern the laws of the state.
- *Executive Branch* – consists of Governor, Lt. Governor, Comptroller of Public Accounts, Land Commissioner, Agriculture Commissioner, Attorney General and the Secretary of State.
- *Judicial Branch* – State's Court system.

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

3. Legislative Branch:

- *Senate* – an elected body of Senators:
- 32 members,
 - 4 year terms;
 - Lt Governor* presides over Senate;
 - Lt. Governor assigned committees and makes chair appointments;
 - Senate approves Executive appointments.



Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

3. Legislative Branch (cont.):

- *House* – an elected body of Representatives:
- **150 members;**
 - 2 year terms;
 - Speaker of the House is elected by the members of the House of Representative on the 1st day of regular session;
 - Speaker presides over all order of business;
 - Speaker assigns committees and makes chair appointments;
 - Speaker may make recommendation of appointments to the Governor; and
 - *Rules relating to legislative issues.*

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

4. Executive Branch (4 yr term):

- Governor, Chief Executive Officer;
- Lieutenant Governor; President of Senate;
 - part of Executive and Legislative Branch;
- Comptroller of Public Accounts;
- General Land Commissioner;
- Agriculture Commissioner;
- Attorney General; and
- Secretary of Senate - appointed by the Governor approved by the Senate.

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

5. Judicial Branch:

■ State Supreme Court:

- Supreme Court – 1 court with 9 Justices;
- Court of Criminal Appeals – 1 court with 9 judges;
- State Intermediate Appellate Courts – 14.

■ State Trial Courts of General and Special Jurisdiction:

- District Courts – 9 (civil and criminal matters).

■ County Trial Courts of Local Jurisdiction:

- County Level Courts:
 - Constitutional County Courts;
 - County Courts at Law;
 - Statutory Probate Courts.

■ Local Trial Courts of Limited Jurisdiction:

- Municipal Courts;
- Justice of the Peace Courts.



Texas Legislative Process

HOW A BILL BECOMES LAW.....

- SEE HANDOUT
- Court Structure of Texas



Texas Legislative Process

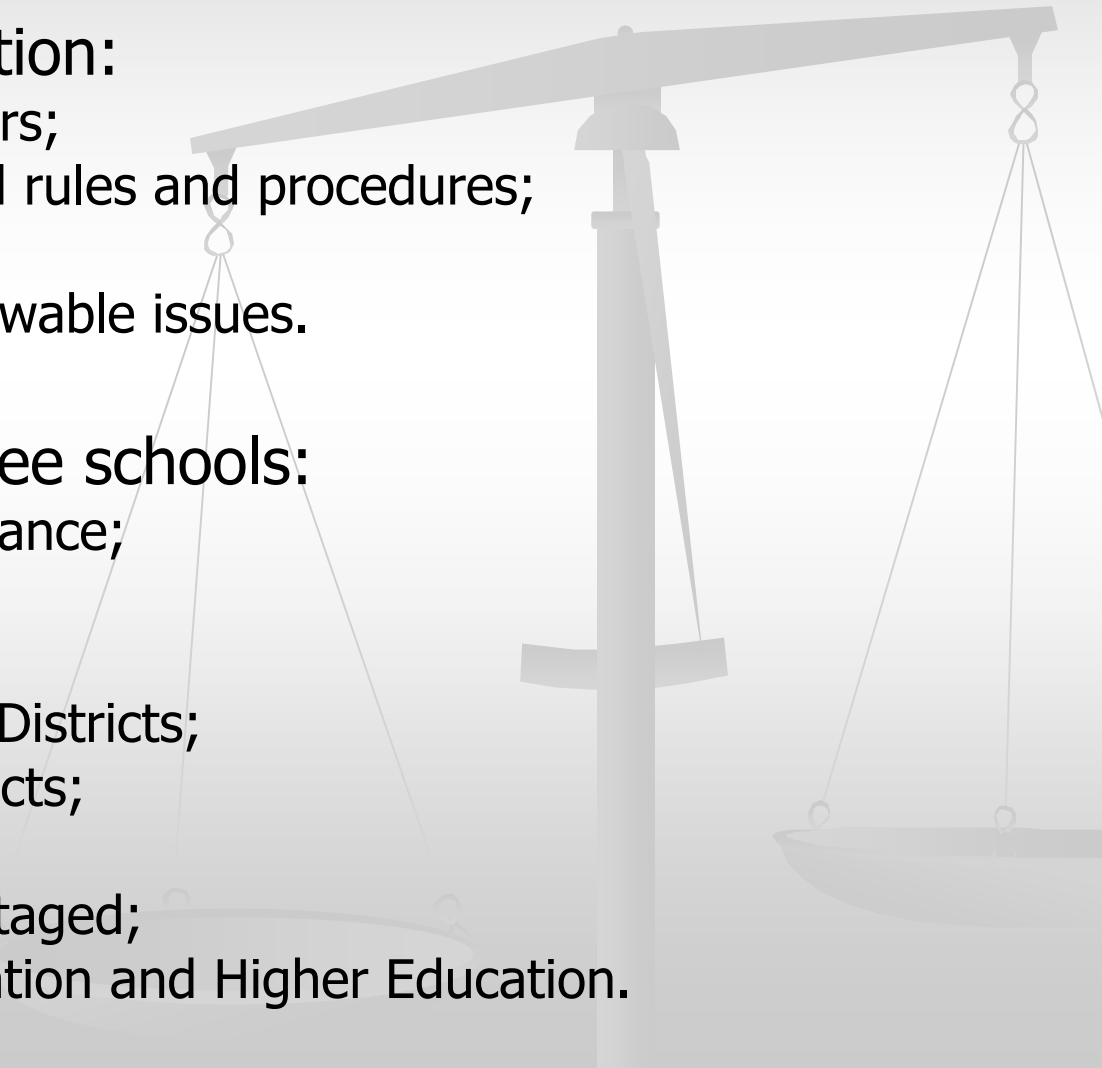
UNDER THE TEXAS CONSTITUTION.....

6. **Suffrage** - A declaration:

- Qualification for voters;
- voter election related rules and procedures;
- Ballot issues; and
- Allowable and disallowable issues.

7. **Education** - Public free schools:

- support and maintenance;
- School funds;
- Taxes and bonds;
- Independent School Districts;
- Junior Colleges Districts;
- Universities;
- Schools for disadvantaged;
- State Board of Education and Higher Education.



Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

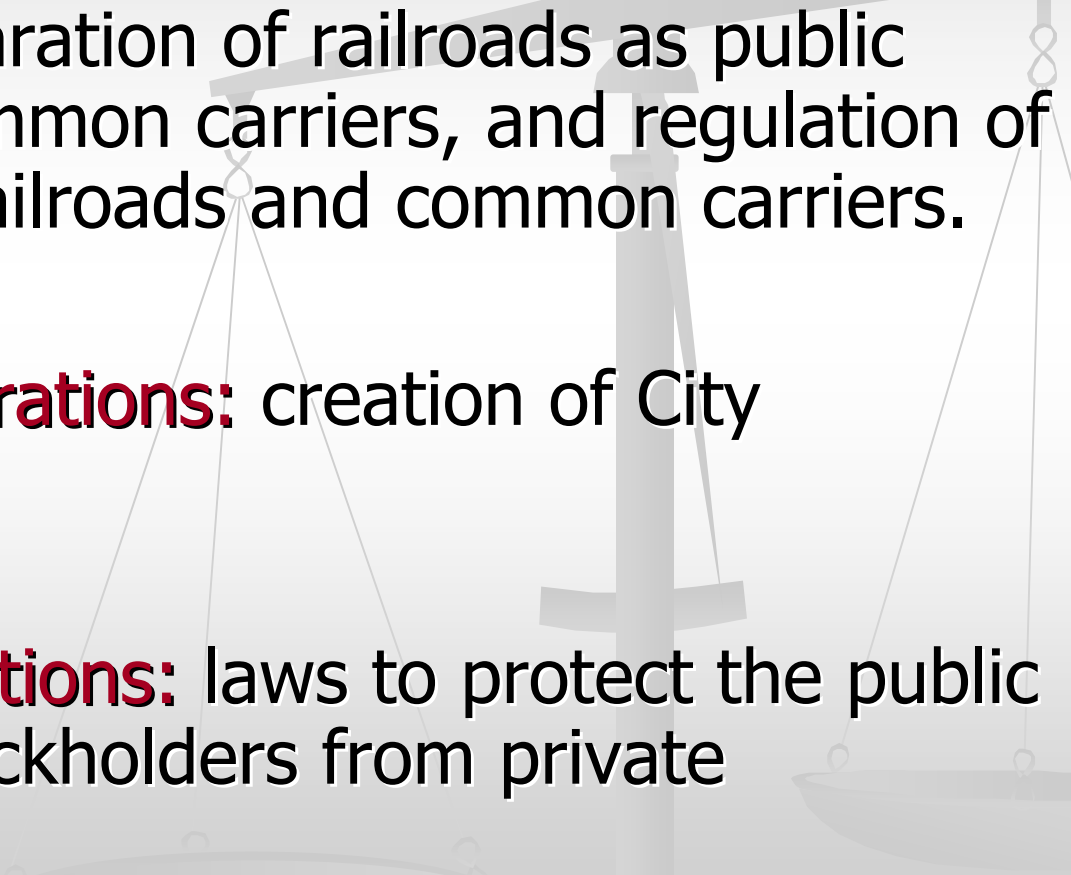
8. Taxation & Revenue: Taxation to remain equal and uniform.

9. Counties - Creation of Counties:

- County border creations and deletions;
- County Commissioners;
- Creation of County Hospital Districts;
- Powers and Duties of Hospital Districts;
- Creation of Airport Authorities;
- Participation of Cities and other Political Subdivisions; and
- Establishment of MHMR districts and services.

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

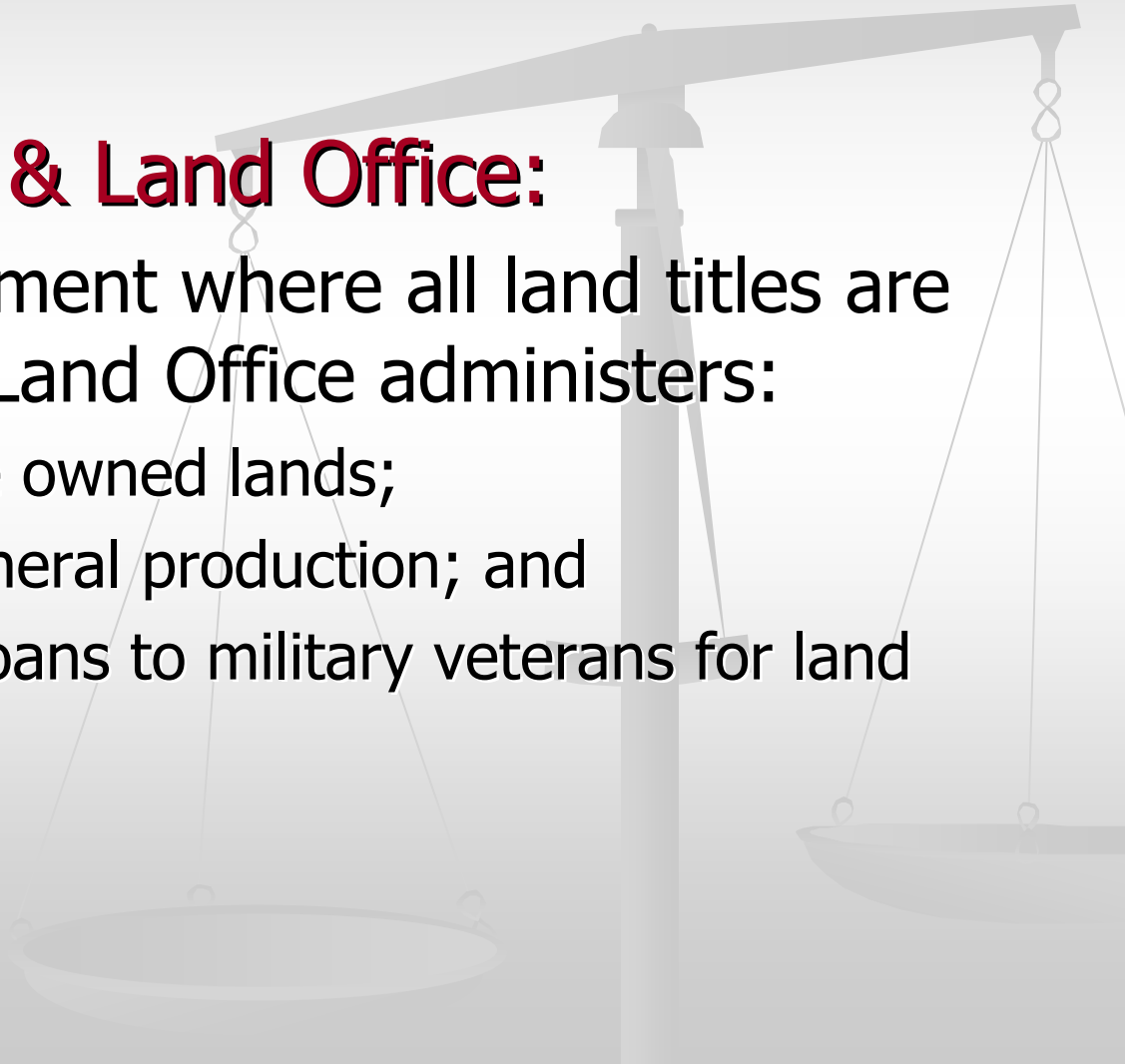
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- 10. Railroads:** declaration of railroads as public highway, with common carriers, and regulation of taxes related to railroads and common carriers.
 - 11. Municipal Corporations:** creation of City Governments.
 - 12. Private Corporations:** laws to protect the public and individual stockholders from private corporations.

Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

14. Public Lands & Land Office:

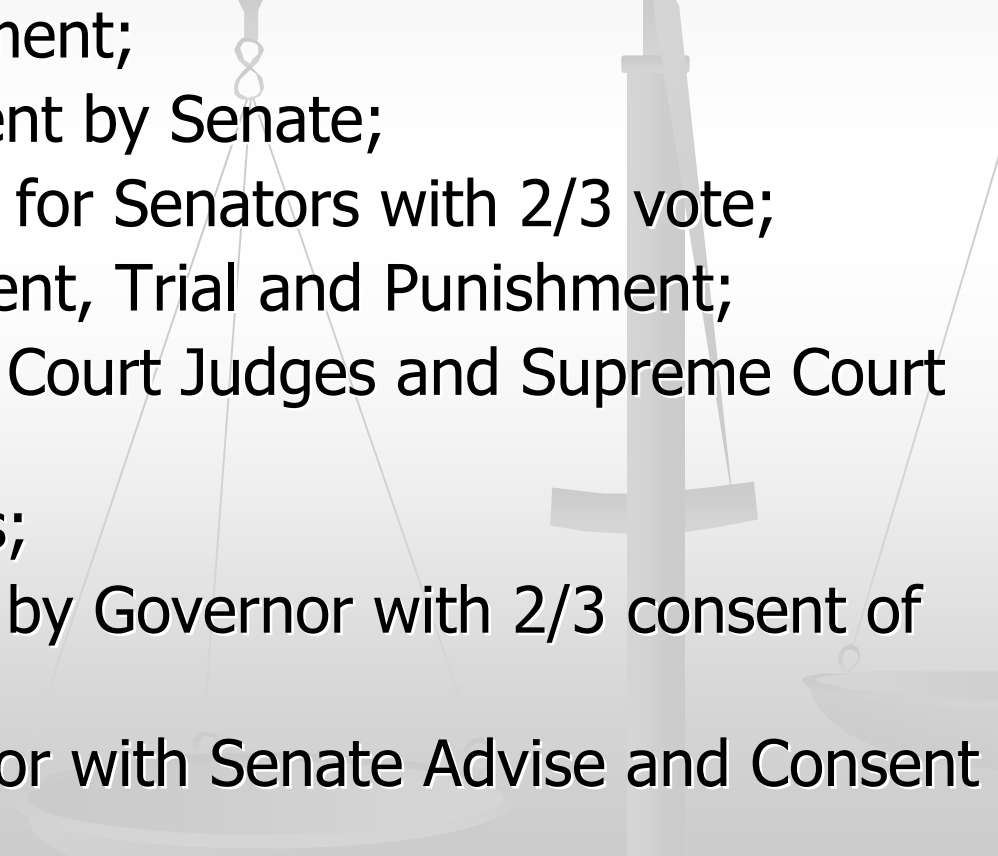
- Seat of Government where all land titles are held. General Land Office administers:
 - Use of all state owned lands;
 - Leasing for mineral production; and
 - Underwriting loans to military veterans for land purchases.



Texas Legislative Process

UNDER THE TEXAS CONSTITUTION.....

15. Impeachment:

- Power of Impeachment;
 - Trial of Impeachment by Senate;
 - Oath of Affirmation for Senators with 2/3 vote;
 - Judgment, Indictment, Trial and Punishment;
 - Removal of District Court Judges and Supreme Court Justices;
 - Removal of Officers;
 - Removal of Judges by Governor with 2/3 consent of both houses;
 - Removal of Governor with Senate Advise and Consent of Senate.
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Texas Legislative Process

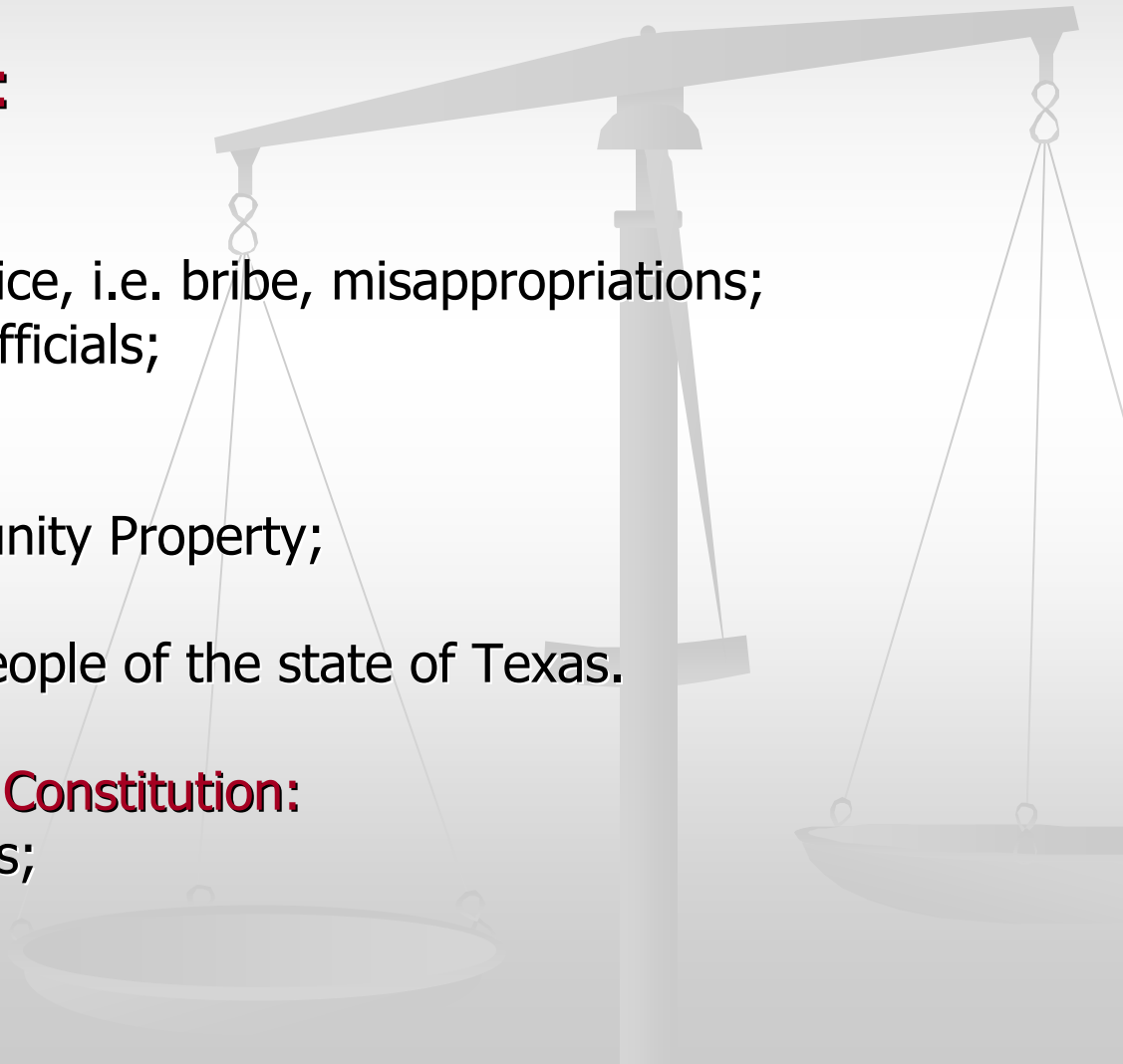
UNDER THE TEXAS CONSTITUTION.....

16. General Provisions:

- Official oath;
- Jury Duty;
- Disqualification of office, i.e. bribe, misappropriations;
- Residence of public officials;
- Homestead;
- Right to bear arms;
- Separate and Community Property;
- Office Eligibility; and
- Other rights to the people of the state of Texas.

17. Mode of Amendment to Constitution:

- How to make changes;
- Public notice; and
- Voter approval.



Texas Legislative Process

HOW A BILL BECOMES LAW.....

Reminder: The Texas Legislative Process is governed by the *Texas Constitution* and the *Rules of Procedure* of both the *Senate* and *House of Representatives*.

The co-existence between the Texas Constitution and the rules governing the State Legislature, are seen throughout the legislative process. The following is with emphasis on the House Rules as passed in the 79th Regular Legislative session in 2005.

Let's proceed to *How a Bill Becomes Law...*

Texas Legislative Process

HOW A BILL BECOMES LAW.....

LEGISLATIVE SESSION:

There are two types of legislative sessions:

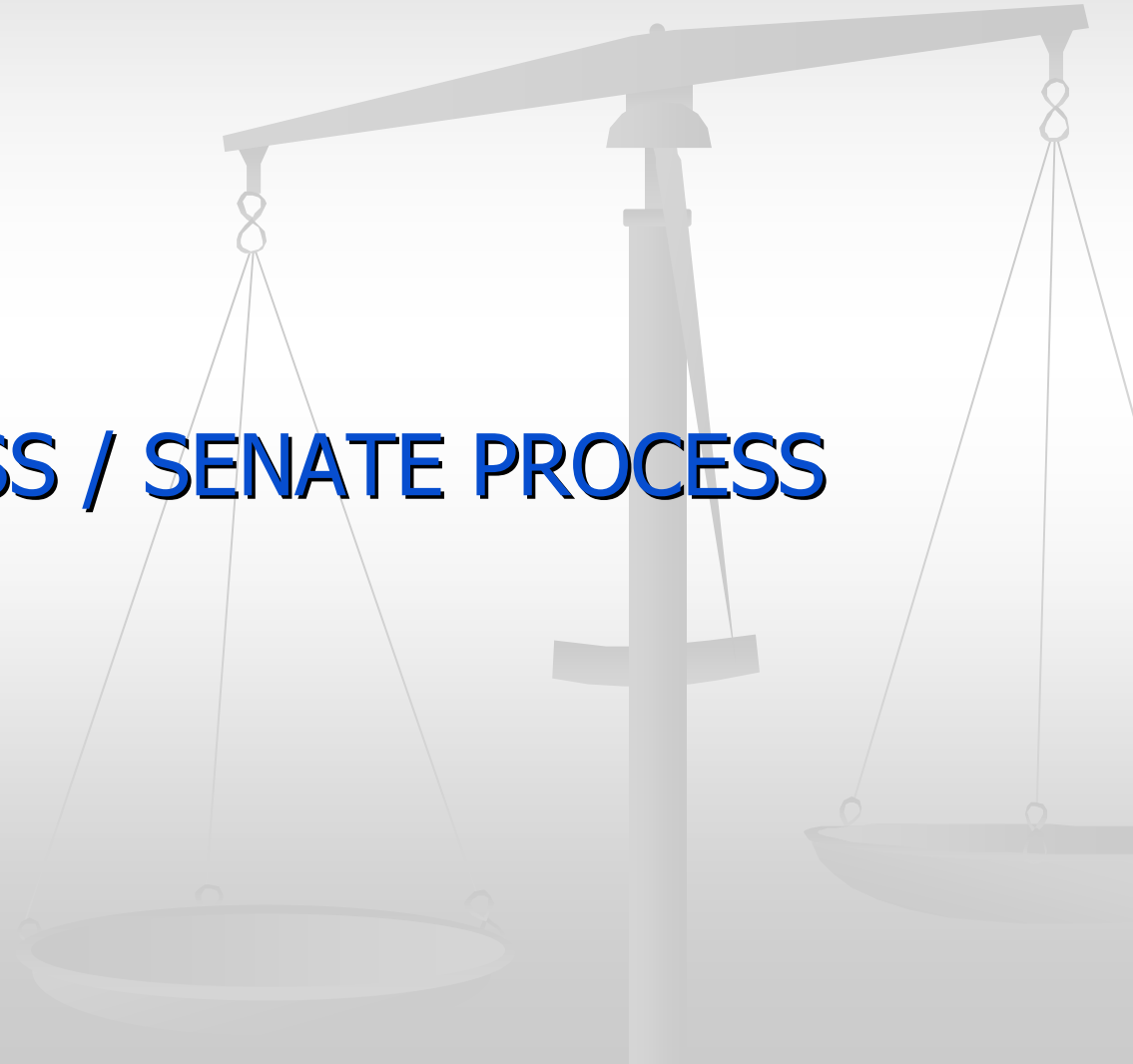
- “Regular” – Order of Business Meeting:
 - both houses,
 - every two (2) years,
 - odd numbered year,
 - session may not last more than 140 days. :
- “Called” or “Special” – Order of Business meeting:
 - must be called by the Governor, and
 - may not last more than 30 days.



Texas Legislative Process

HOW A BILL BECOMES LAW.....

- SEE HANDOUT
- HOUSE PROCESS / SENATE PROCESS



Texas Legislative Process

HOW A BILL BECOMES LAW.....

■ FORM and CONTENT of a BILL:

Each bill filed by a legislator must have three parts:

- A *descriptive caption*, beginning with “A Bill to be enacted an Act,” with brief statement giving the public reasonable notice of subject;
- An *enacting or resolving clause* “be it enacted by the Legislature of the State of Texas” and
- The *body* of the bill.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

■ How to Follow a Bill:

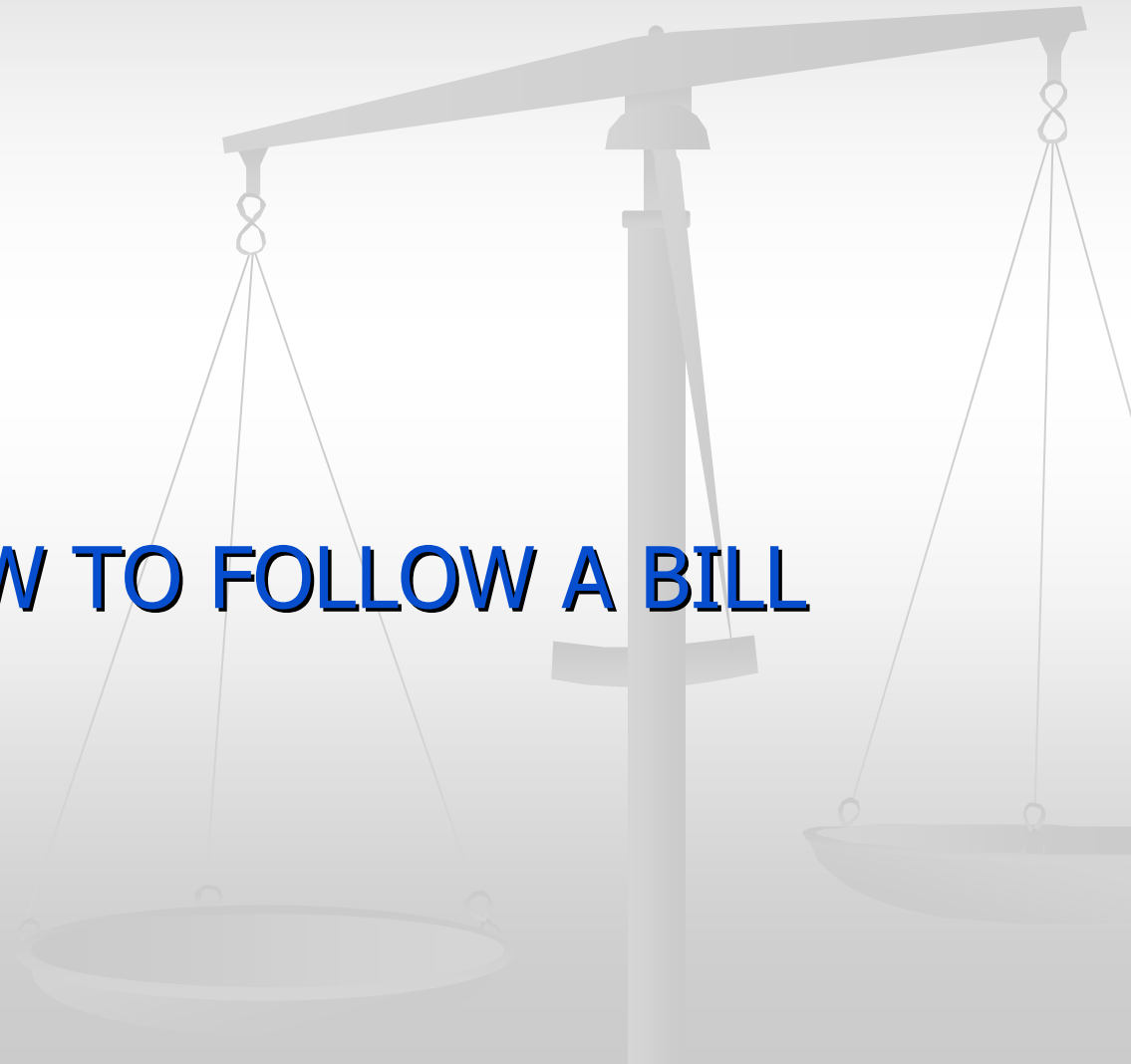
- Idea/Subject;
- Introduction;
- Referral to House/Senate Committee;
- Consideration in House/Senate Committee;
- Placed on House/Senate Calendar;
- Consideration on House/Senate Floor;
- Signed/Vetoed by Governor; and
- Laws of Texas.



Texas Legislative Process

HOW A BILL BECOMES LAW.....

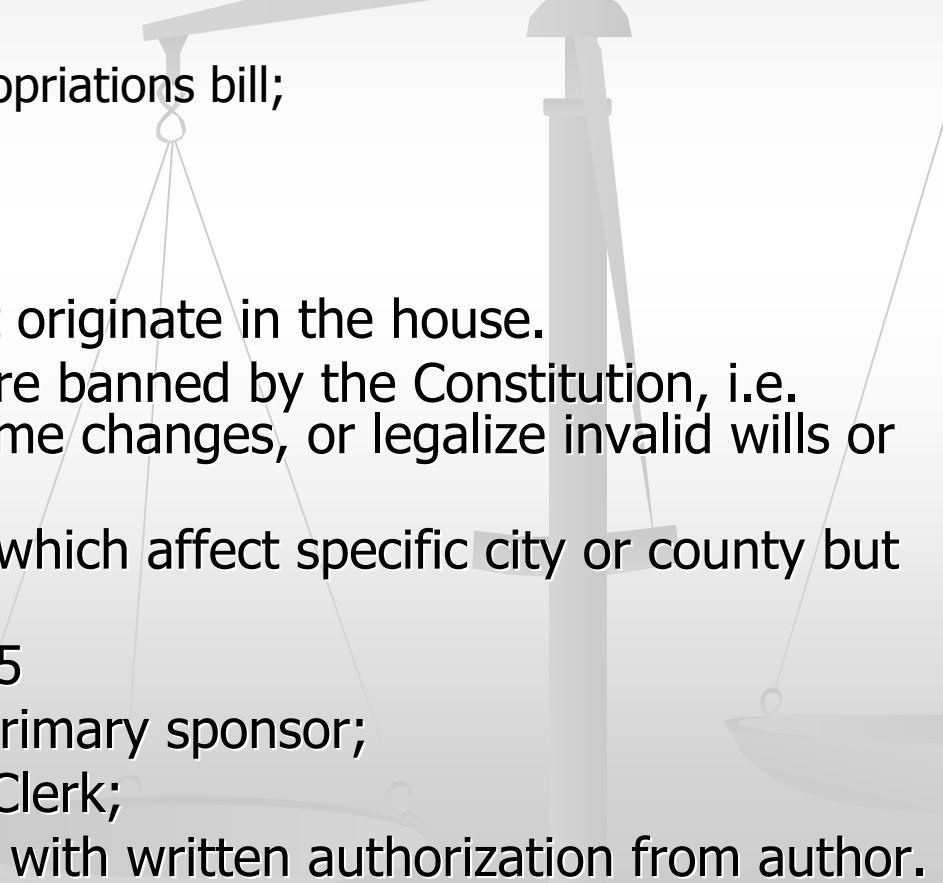
- **SEE HANDOUT**
- **SUMMARY: HOW TO FOLLOW A BILL**



Texas Legislative Process

HOW A BILL BECOMES LAW.....

IDEA/SUBJECT - Each bill must pertain to:

- only one (1) subject,
 - except for the general appropriations bill;
 - recodification bills; and
 - joint resolutions.
-
- All revenue-raising bills must originate in the house.
 - Certain local & special bills are banned by the Constitution, i.e. divorces, venue changes, name changes, or legalize invalid wills or deeds.
 - Prohibition of “bracket” bills which affect specific city or county but fail to mention locality.
 - See Constitution Art 3, sec 35
 - A bill or resolution has one primary sponsor;
 - Must be filed with the Chief Clerk;
 - Co-authors must file request with written authorization from author.
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Texas Legislative Process

HOW A BILL BECOMES LAW.....

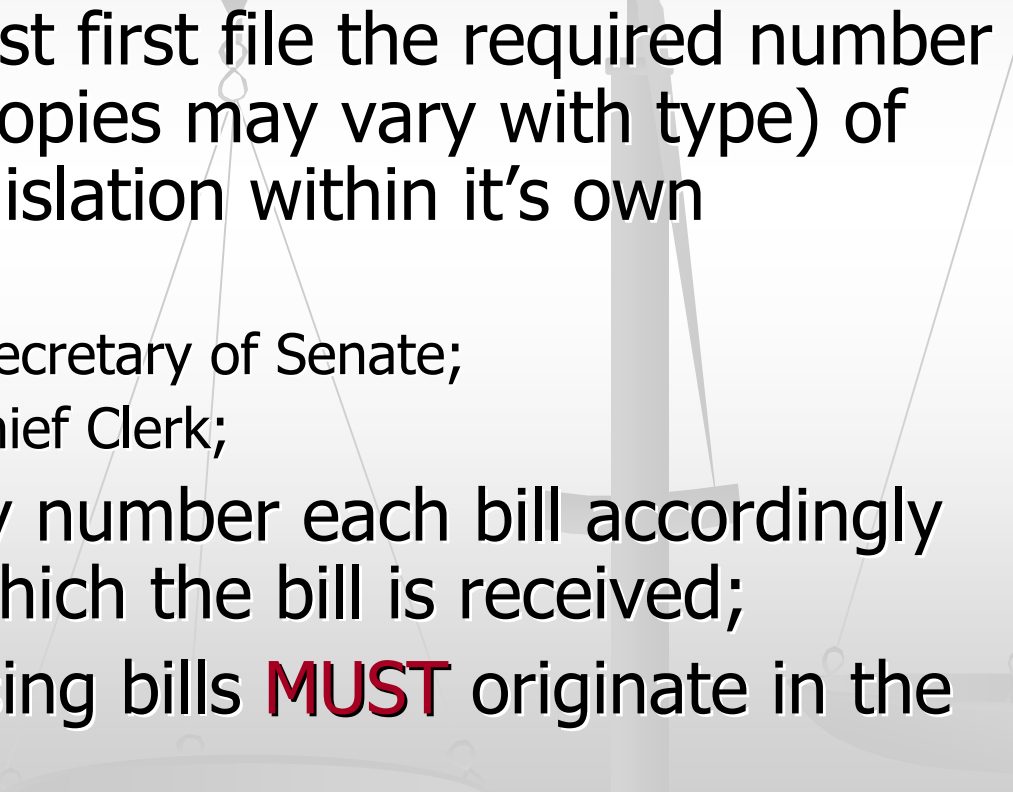
FILING DATES - Proposed Legislation may be filed with the Chief Clerk:

- Beginning the 1st Monday after the general election, before a regular session; or
- 30 days before any special session.
- Bills and resolutions may be filed after the 60th day of a regular session,
- A four-fifths vote of members present is required, in each house;
- **Exception:**
 - “emergency” matters submitted by the governor,
 - emergency appropriations, and
 - local bills.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

FILING RULES:

- The member must first file the required number of copies (# of copies may vary with type) of the proposed legislation within it's own chamber:
 - Senate with the Secretary of Senate;
 - House with the Chief Clerk;
 - Both sequentially number each bill accordingly in the order in which the bill is received;
 - ALL revenue-raising bills **MUST** originate in the house.
- 

Texas Legislative Process

HOW A BILL BECOMES LAW.....

LOCAL BILL REQUIREMENTS:

A Legislator's **intentions** of "local" bills and resolutions ***MUST*** be published in newspapers within the affected locality at least ***30 days before the bill is introduced.***

There are six types of "local" bills that create or affect:

- Water districts;
- Hospital districts;
- Road utility districts;
- Hunting, fishing or wildlife conservation in a specified locality;
- County court or statutory court(s) for one or more specified counties or municipalities; and
- Juvenile board(s) of a specified county(s).

If bills of the last three types have statewide importance they are not considered local bills.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

IN COMMITTEE...

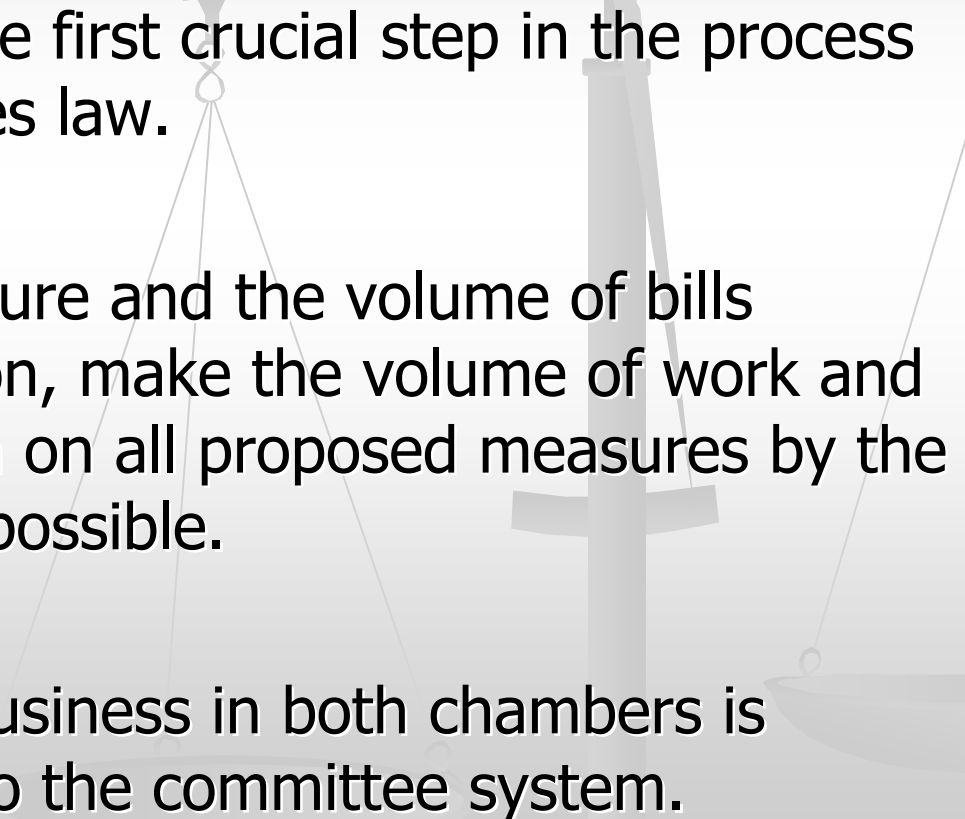
- No bill may become law unless it is referred to and reported by a committee.
- There are **40 standing House Committees**.
 - 34 - substantive
 - 6 - procedural
- There are **15 standing Senate Committees**.
- Fiscal notes and Impact statements completed in committee.
- <http://www.capitol.state.tx.us/>



Texas Legislative Process

HOW A BILL BECOMES LAW.....

ROLE OF COMMITTEES...

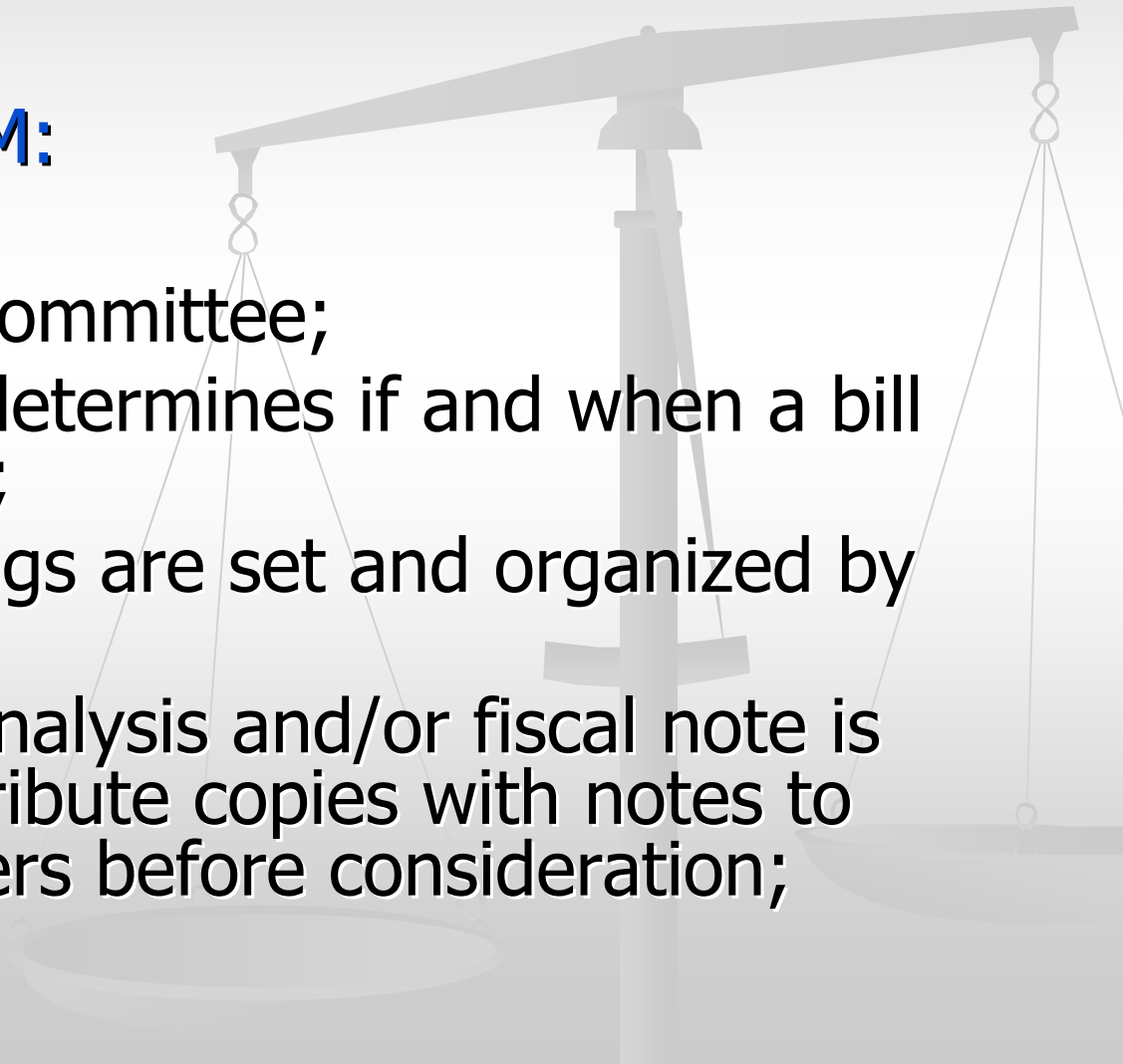
- Committee action is the first crucial step in the process by which a bill becomes law.
 - The size of the legislature and the volume of bills introduced each session, make the volume of work and thoughtful deliberation on all proposed measures by the entire membership impossible.
 - Therefore, the basic business in both chambers is conducted according to the committee system.
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Texas Legislative Process

HOW A BILL BECOMES LAW.....

COMMITTEE SYSTEM:

- Bill is assigned a committee;
- Committee Chair determines if and when a bill will be considered;
- Committee meetings are set and organized by committee clerk;
- Determination if analysis and/or fiscal note is required, and distribute copies with notes to committee members before consideration;



Texas Legislative Process

HOW A BILL BECOMES LAW.....

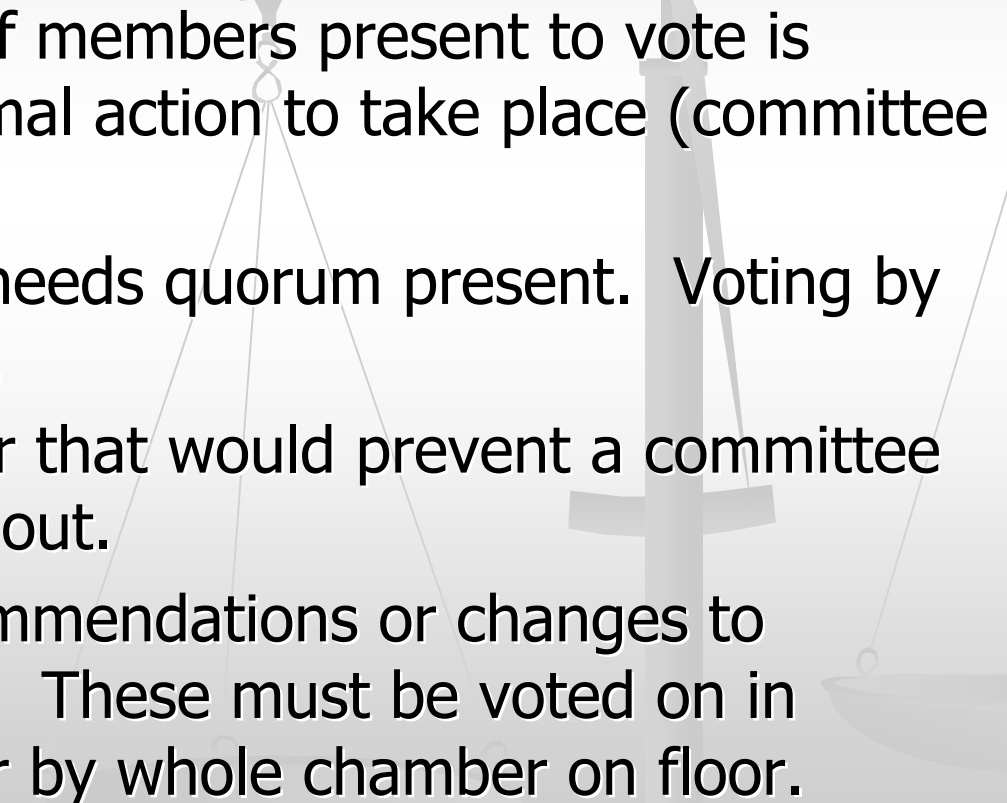
COMMITTEE SYSTEM (cont.):

- Committee consideration can be completed through public hearings, formal meetings and work meetings;
- Most all bills get a public hearing;
- No Committee may meet while house (or senate) are in session, unless with permission by majority vote.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

COMMITTEE CONSIDERATIONS

- **“quorum”** majority of members present to vote is required for any formal action to take place (committee and on floor).
 - **“committee action”** needs quorum present. Voting by proxy is not allowed.
 - **“no motion”** an order that would prevent a committee from reporting a bill out.
 - **“amendments”** recommendations or changes to proposed legislation. These must be voted on in committee then later by whole chamber on floor.
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Texas Legislative Process

HOW A BILL BECOMES LAW.....

COMMITTEE CONSIDERATION, cont.

- **“substitute bill”** a rewritten version of proposed legislation that deals with the same subject matter but is considered a complete substitute version adopted by the committee and acted upon to send back to the chamber.
- **“favorable”** is recommendation with proposed legislation sent to CALENDARS COMMITTEE for placement on the daily calendar for consideration by full house.
- **“unfavorable”** means a committee vote does not recommend bill passage, thus “killing” it.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

- **Public Notice** – there must be a public notice announcement of all committee meetings with agendas.
- **Minutes** must be created after each public meeting and posted for public view.
- Most committee meetings are available for viewing on the internet off the House and Senate Websites.
- <http://www.capitol.state.tx.us/>

Texas Legislative Process

HOW A BILL BECOMES LAW.....

COMMITTEE CONSIDERATION, cont.

- **“laid on the table”** when a bill is set aside subject to call for further consideration but must be voted by majority committee members to bring back out.
- **“majority report”** is a required action on proposed legislation through a committee.
- **“minority report”** vote means it is sent to CALENDARS COMMITTEE for placement on the daily agenda for consideration by full house.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

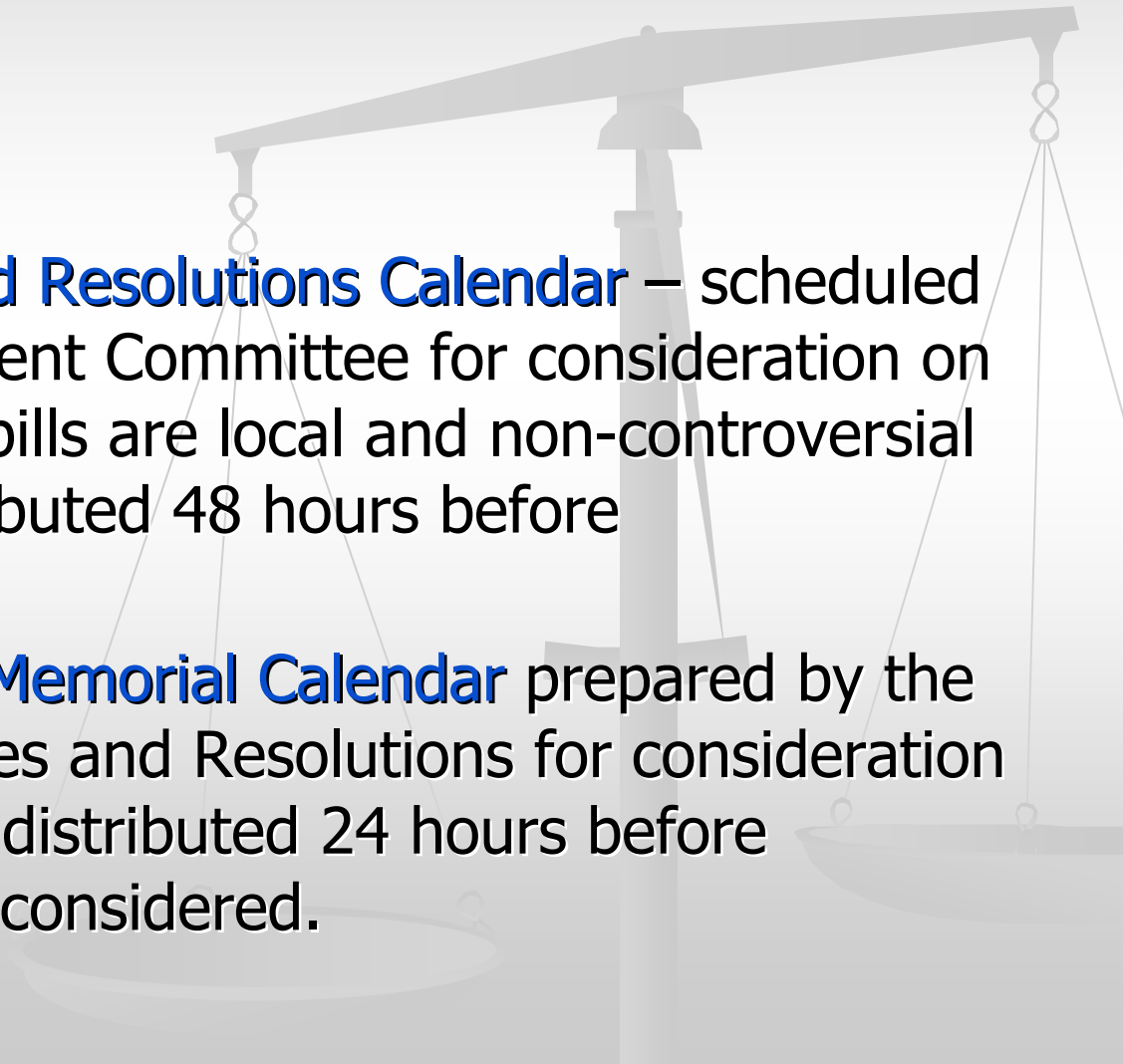
- **House Calendar - rules provide for four different types of calendars:**
 - **Daily House Calendar** – A list of new bills and resolutions scheduled for floor consideration prepared by Committee on Calendars. Members must receive copies 36 hrs before bills may be considered.
 - **Supplemental House Calendar** – A supplemental list of new bills and resolutions scheduled for floor consideration by Calendars Committee. Members must receive copies 2 hrs before consideration:
 - A. Measures passed to third reading;
 - B. Measures from Calendar not reached for consideration;
 - C. Measures of Daily House Calendar placed for current day consideration;
 - D. Postponed business from a previous day;
 - E. Notice to call from the table – must be from previous day.

Texas Legislative Process

HOW A BILL BECOMES LAW.....

■ House Calendar

- **Local, Consent and Resolutions Calendar** – scheduled by Local and Consent Committee for consideration on the Floor. These bills are local and non-controversial and must be distributed 48 hours before consideration.
- **Congratulatory & Memorial Calendar** prepared by the Committee on Rules and Resolutions for consideration on floor. Must be distributed 24 hours before measures may be considered.



Texas Legislative Process

HOW A BILL BECOMES LAW.....

■ Senate Agenda – “Green Books”

- Notice of intent – giving bill #, author, and short caption;
- List of bills returned from the house with amendments;
- Status of bills in conference committee;
- Local and uncontested bill calendar;
- Gubernatorial appointments list prepared by with comments and recommendations by Senate Committee on Nominations. This list is awaiting full Senate confirmation;
- Committee Hearing schedule;

Texas Legislative Process

HOW A BILL BECOMES LAW.....

■ Senate Agenda – “Green Books” (cont.)

- Regular order of business – list of bills and resolutions that have been reported favorably to senate for floor vote;
- Miscellaneous announcements;
- Senate floor action giving bill #, sponsor and short caption, for action taken during the previous day;
- Senate Committee action, giving same info and action taken by committees on previous day;
- Morning call giving list of senate and house bills on first reading being referred to committee, intro and consideration of memorial and congratulatory resolutions, messages and executive communications, and any other motions.

Texas Legislative Process

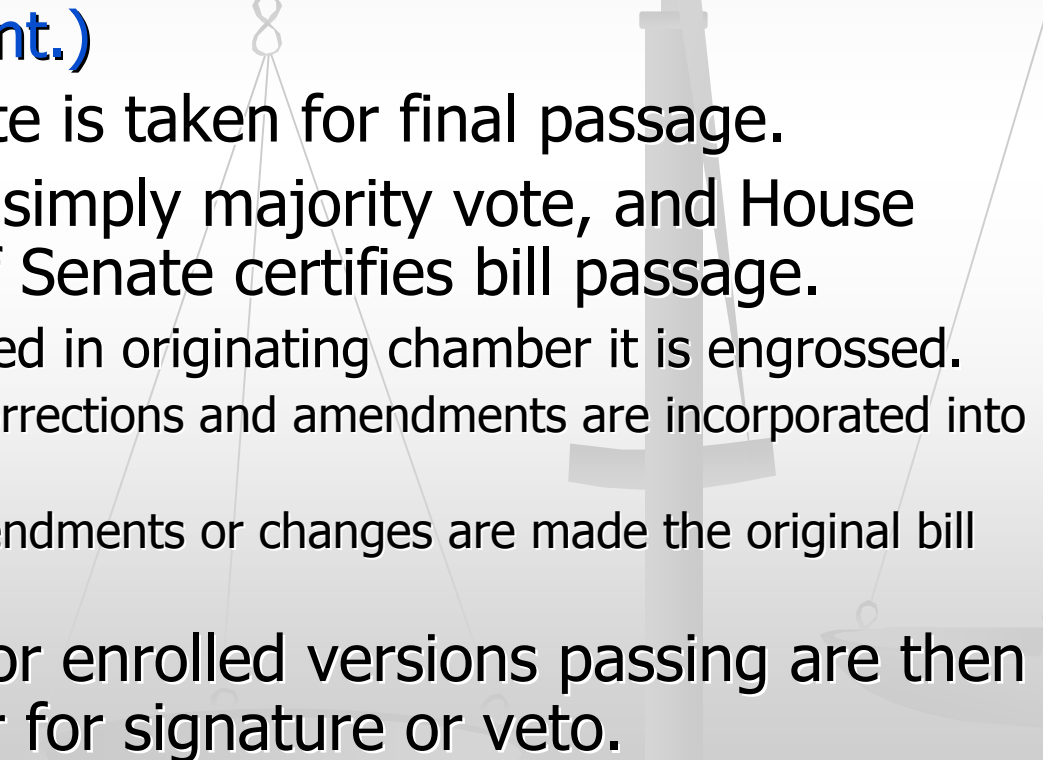
HOW A BILL BECOMES LAW.....

■ FLOOR ACTION

- A bill is read three times on the floor before it can become law.
- On **1st** reading it includes, bill #, sponsor, short caption. Referred to committee.
- Committee works and sent back to Calendars;
- Placed on Calendar for **2nd** reading it includes bill # sponsor and short caption. A bill may be floor acted and debated upon here.
- Bill can be "tabled" or passed to **3rd** Reading;
 - If tabled it may only be "requested" to be called back for reconsideration the next day of business in Supplemental Calendar.

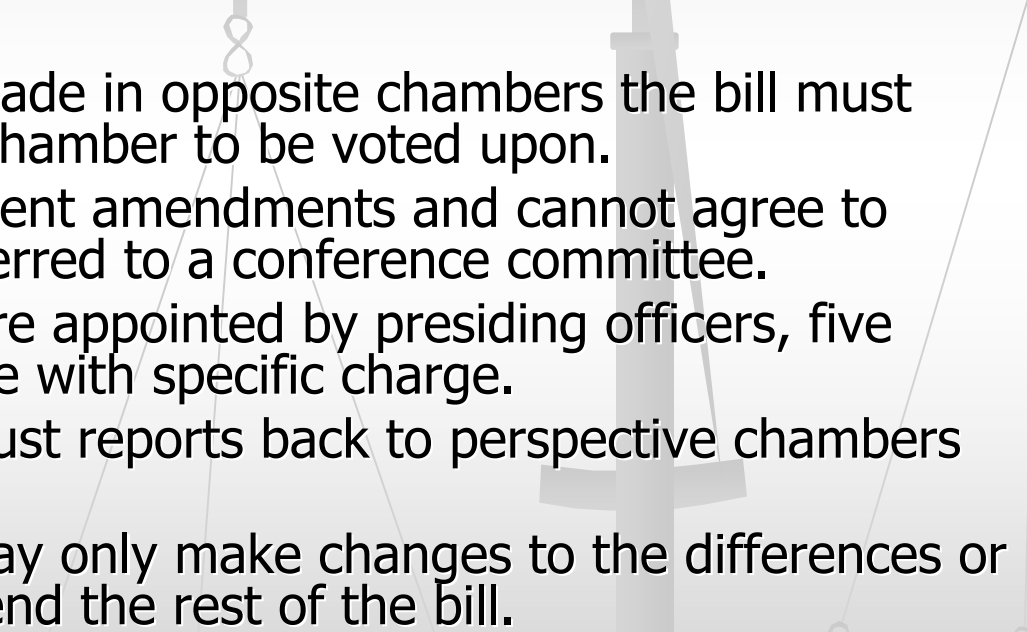
Texas Legislative Process

HOW A BILL BECOMES LAW.....

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- **FLOOR ACTION, (cont.)**
 - On 3rd reading, a vote is taken for final passage.
 - A bill may pass with simply majority vote, and House Clerk or Secretary of Senate certifies bill passage.
 - When the bill is passed in originating chamber it is engrossed.
 - “engrossed” - all corrections and amendments are incorporated into bill.
 - “enrolled” - no amendments or changes are made the original bill and passed as is.
 - Certified engrossed or enrolled versions passing are then sent to the Governor for signature or veto.

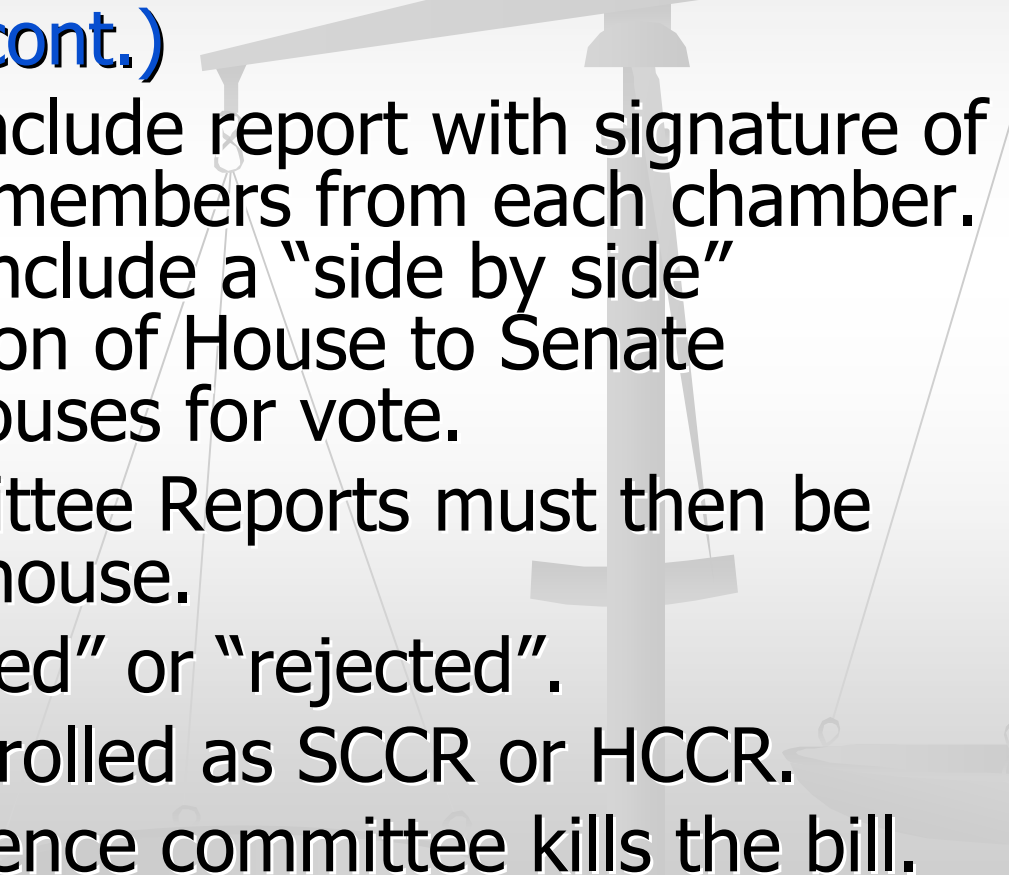
Texas Legislative Process

HOW A BILL BECOMES LAW.....

- **FLOOR ACTION, (cont.)**
 - When amendments are made in opposite chambers the bill must return to the originating chamber to be voted upon.
 - If both houses have different amendments and cannot agree to changes a bill may be referred to a conference committee.
 - Conference committees are appointed by presiding officers, five members from each house with specific charge.
 - Conference Committee must reports back to perspective chambers with "charges".
 - Conference Committee may only make changes to the differences or charges and may not amend the rest of the bill.
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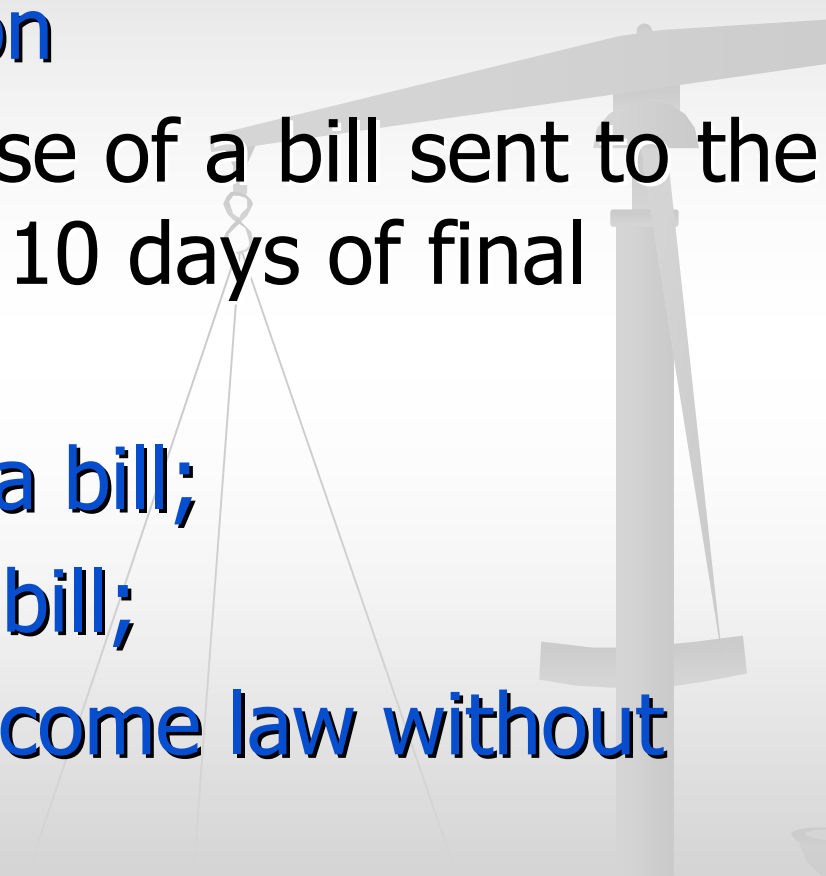
Texas Legislative Process

HOW A BILL BECOMES LAW.....

- **FLOOR ACTION, (cont.)**
 - Agreement must include report with signature of approval by three members from each chamber. Report must also include a "side by side" analysis (comparison of House to Senate version) to both houses for vote.
 - Conference Committee Reports must then be voted on by each house.
 - It must be "accepted" or "rejected".
 - If accepted it is enrolled as SCCR or HCCR.
 - Failure of a conference committee kills the bill.
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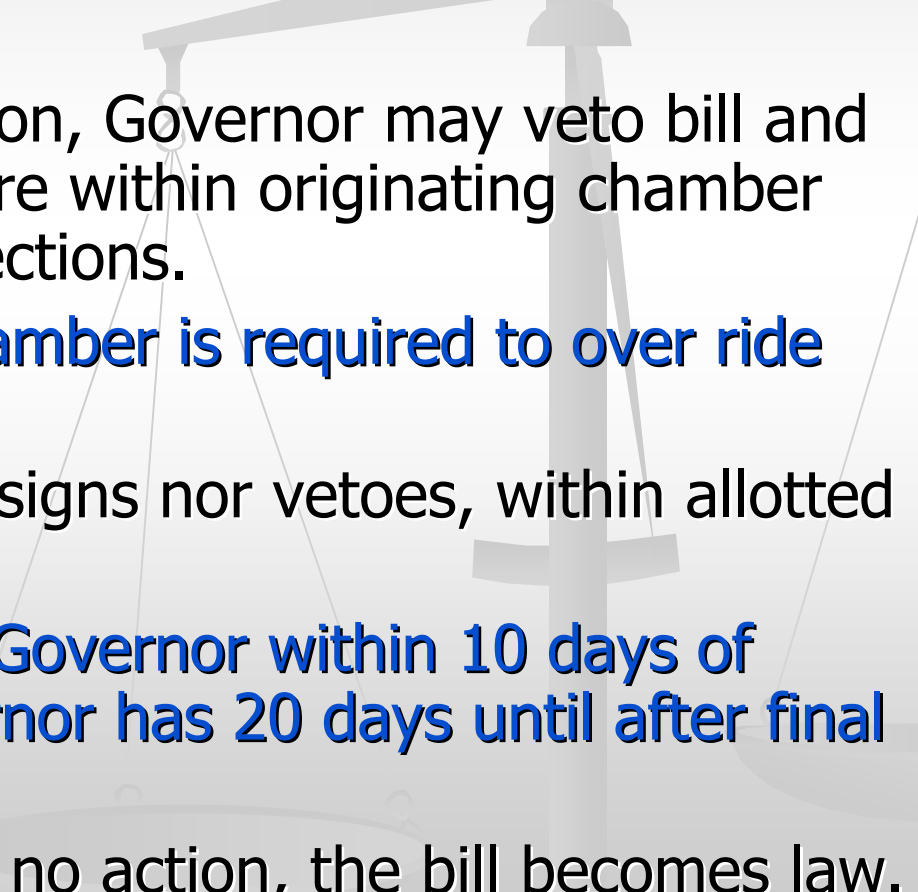
Texas Legislative Process

HOW A BILL BECOMES LAW.....

- **Governor's Action**
 - Except in the case of a bill sent to the governor within 10 days of final adjournment;
 - 10 days to sign a bill;
 - 10 days to veto bill;
 - Or allow it to become law without signature.
- 

Texas Legislative Process

HOW A BILL BECOMES LAW.....

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- **Governor's Veto**
 - If session is still in session, Governor may veto bill and send it back to legislature within originating chamber with explanation of objections.
 - **2/3 majority in each chamber is required to over ride veto;**
 - If the Governor neither signs nor vetoes, within allotted time, bill becomes law;
 - **If the bill is sent to the Governor within 10 days of adjournment, the Governor has 20 days until after final adjournment for action;**
 - If after 20 days there is no action, the bill becomes law.

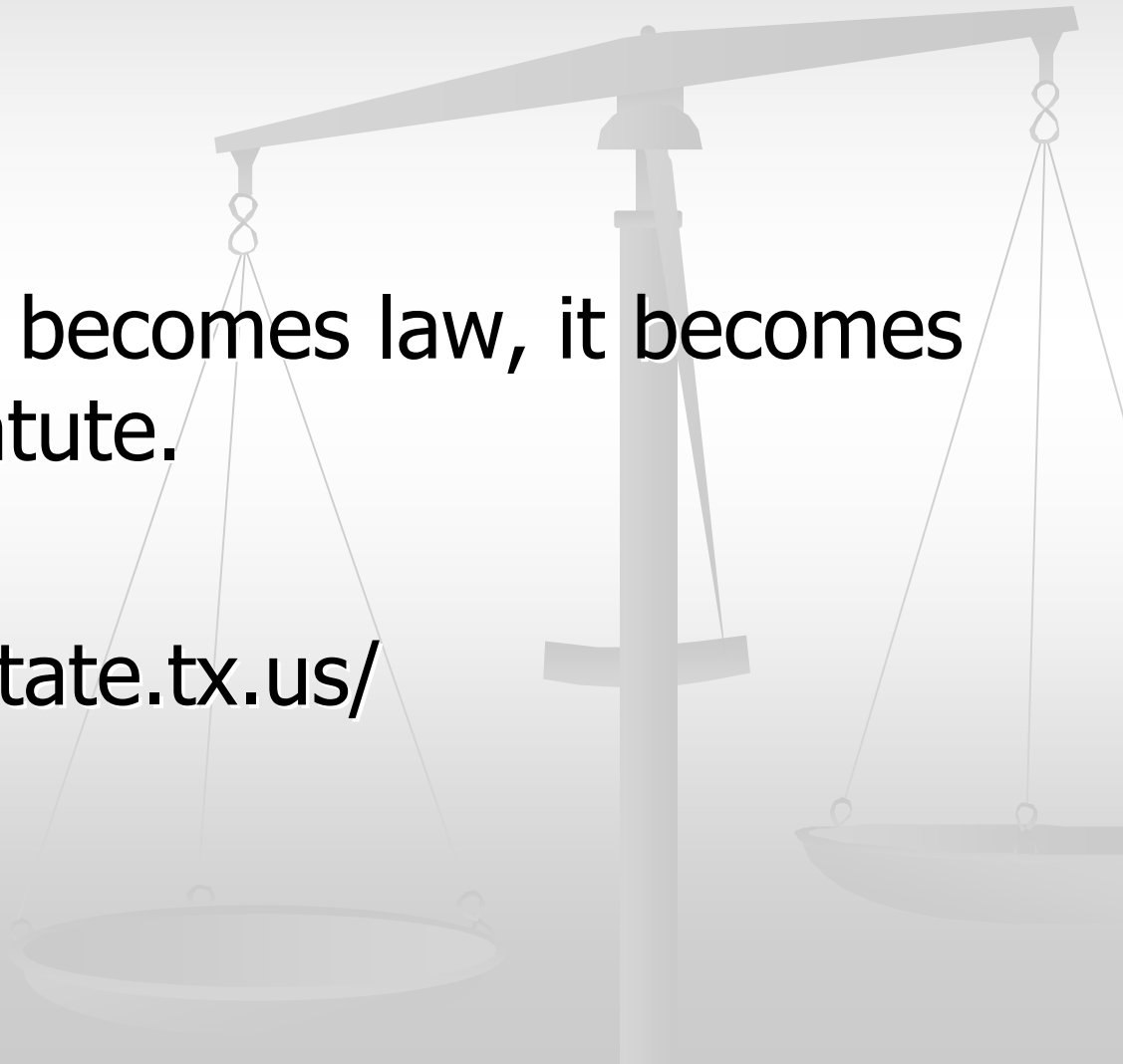
Texas Legislative Process

HOW A BILL BECOMES LAW.....

- **Laws of Texas**

Once legislation becomes law, it becomes codified as a statute.

- <http://www.lrl.state.tx.us/>



QUIZ

- Has the state of Texas experienced an impeachment case?
 - How many days does a regular session last? When is the first day?
 - Why are “green books” called green books?
- 